

Stafford. Wayland.
Tillett.

Absent.

Darwin. Neal.
Dibrell. Turney.
Gough.

Excused.

Boren.

Senator Presler then moved that consideration be postponed to to-morrow at 5 p. m.

Senator Greer moved the previous question on the resolution and the motion to postpone, which was duly seconded, and

Pending ordering same,

Senator Bowser moved to adjourn to 10 a. m. to-morrow.

Adjourned by the following vote:

Yeas—13.

Bowser. Presler.
Colquitt. Stone.
Goss. Terrell.
Harrison. Woods.
Kerr. Yantis.
Linn of Wharton. Yett.
Morris.

Nays—12.

Atlee. Linn of Victoria.
Bailey. Rogers.
Beall. Ross.
Burns. Stafford.
Greer. Tillett.
Lewis. Wayland.

Absent.

Darwin. Neal.
Dibrell. Turney.
Gough.

Excused.

Boren.

ONE HUNDRED AND FIRST DAY.

Senate Chamber,

Austin, Tex., Thursday, May 20.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee. Harrison.
Bailey. Kerr.
Beall. Lewis.
Bowser. Linn of Victoria.
Burns. Linn of Wharton.
Colquitt. Morris.
Darwin. Presler.
Dibrell. Rogers.
Goss. Ross.
Gough. Stafford.
Greer. Stone.

Terrell. Woods.
Tillett. Yantis.
Wayland. Yett.

Absent.

Neal. Turney.

Excused.

Boren.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We thank Thee for the night, for rest and quietude. We thank Thee for this delightful morning and the opportunities for love and service. Give us mature judgments and decided convictions and courage that all we do may be for the interest of the State. Do Thou love us and forgive us our sins; strengthen us and qualify us for our delicate duties. We ask for Christ's sake. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

COMMITTEE REPORT.

Committee Room,

Austin, Texas, May 19, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 384, a bill to be entitled "An act to amend article 4785a, of chapter 6, title 97, of the Revised Civil Statutes of the State of Texas, relating to roads, bridges and ferries."

And find the same correctly engrossed.

GOUGH, Chairman.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 20, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bill:

Senate bill No. 363, a bill to be entitled "An act to authorize the Texas Central Railroad Company to purchase, own and operate the railroad extending from the town of Bremond, in Robertson county, to the town of Ross, in McLennan county, commonly known as the Waco and Northwestern division of the Houston and Texas Central Railway Company, with its appurtenances, or any part thereof, and to authorize a corresponding increase in the authorized aggregate of

the bonds and stocks of said Texas Central Railway Company,"

Also, that the House has concurred in Senate amendments to Substitute House bill No. 207, known as the occupation tax bill. Respectfully,

LEE J. ROUNTREE,
Chief Clerk.

BILLS AND RESOLUTIONS.

By Senator Tillett:

Senate joint resolution No. 21, permitting Hon. W. R. Smith leave of absence from the State for sixty days.

Read and referred to Committee on Judicial Districts.

Call concluded.

Senator Stone called up

House joint resolution No. 34, to amend section 51, of article 3, of the Constitution of the State of Texas, so as to authorize the granting of aid to disabled and dependent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors."

And moved to reconsider the vote by which the same was defeated on yesterday.

Reconsidered by the following vote:

Yeas—22.

Atlee.	Presler.
Bailey.	Rogers.
Beall.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Morriss.	Yett.

Nays—6.

Colquitt.	Harrison.
Darwin.	Linn of Victoria.
Dibrell.	Linn of Wharton.

Absent.

Neal.	Turney.
	Excused.

Boren.

The resolution was then passed by the following vote:

Yeas—22.

Atlee.	Presler.
Bailey.	Rogers.
Beall.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Morriss.	Yett.

Nays—6.

Colquitt.	Harrison.
Darwin.	Linn of Victoria.
Dibrell.	Linn of Wharton.

Absent.

Neal.	Turney.
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Excused.

Boren.

Senator Yantis moved to reconsider the vote by which the resolution was passed, and to lay that motion on the table.

Tabled.

The Chair gave notice of signing, and did sign in the presence of the Senate, after their captions had been read,

House bill No. 686, entitled "An act to amend the law in regard to taxation, and to regulate the sale of liquor by amending article 5060a and article 5060c of title 104, chapter 1a of the Revised Civil Statutes of Texas, and adding article 5060j to said chapter."

Substitute House bill No. 203, a bill to be entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes,"

House bill No. 713, a bill to be entitled "An act to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary, to pay the per diem of members, officers and employes of the Twenty-fifth Legislature of the State of Texas."

House bill No. 491, a bill to be entitled "An act to repeal an act entitled an act to incorporate the town of Castroville, approved January 16, 1850."

Senator Dibrell sent up the following committee report:

Committee Room,

Austin, Texas, May 20, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate joint resolution No. 21, permitting Hon. W. R. Smith leave of absence from the State for sixty days.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DIBRELL, Chairman.

(President pro tem. Dibrell in the chair.)

Senator Tillett called up Senate joint resolution No. 21 (see above), and moved to suspend the constitutional rule requiring bills to be read on three several days, and that the resolution be put upon its second reading.

Suspended by the following vote:

Yeas—27.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Victoria.	

Nays—1.

Colquitt.

Absent.

Neal. Turney.

Excused.

Boren.

Resolution read second time.

By Senator Tillett:

Amend by adding: "Whereas, the session is now far advanced, and the calendar is crowded so that it is impossible to pass this resolution to be effective by June 10, 1897, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Pending further action,

Senator Colquitt moved to adjourn to 3 p. m. to-day.

Senator Ross moved to adjourn to 10 a. m. to-morrow.

Lost.

The Senate then refused to adjourn to 3 p. m. by the following vote:

Yeas—10.

Atlee.	Dibrell.
Beall.	Greer.
Burns.	Lewis.
Colquitt.	Linn of Victoria.
Darwin.	Ross.

Nays—17.

Bailey.	Rogers.
Bowser.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Wayland.
Kerr.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.
Presler.	

Absent.

Neal. Turney.

Stafford.

Excused.

Boren.

Resuming consideration of the above resolution, the same was ordered engrossed.

On motion of Senator Tillett, the constitutional rule requiring bills to be read on three several days was suspended, and the resolution put upon its third reading and final passage by the following vote:

Yeas—28.

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Nays—none.

Absent.

Neal. Turney.

Excused.

Boren.

Resolution read third, time and passed by the following vote:

Yeas—26.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Burns.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Greer.	Tillett.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Nays—2.

Bowser. Colquitt.

Absent.

Neal. Turney.

Excused.

Boren.

On motion of Senator Linn of Victoria, the regular order of business was suspended, to take up

House bill No. 696, a bill to be entitled "An act to prohibit the taking of fish from the fresh waters of this State otherwise than by means of the ordinary hook and line and trout line, and to prohibit the sale and shipping of game fish in this State, and to provide a penalty for the violation thereof."

By Senator Linn of Victoria:

Amend section 1, line 23, by striking

out the word "waters," and inserting in lieu thereof the following, "fresh water lakes and streams."

Adopted.

By Senator Linn of Victoria:

Amend page 2, lines 2 and 3, section 2, by striking out all after the word "operations," and insert in lieu thereof the words "of section 2 of this act."

Adopted.

By Senator Linn of Victoria:

Amend section 2, line 30, by striking out the word "waters" and inserting in lieu thereof the words "fresh water lakes and streams."

Adopted.

By Senator Harrison:

Amend section 2, page 3, by adding the following: "Provided further, that the counties of Bell, Hamilton, Coryell, Bosque and Lampasas be exempt from the operation of section 1 of this act except during the months of February, March, April, May and June."

Adopted.

By Senator Darwin:

Amend section 2, page 3, by adding: "Provided further, that the counties of Delta, Hopkins, Franklin, Titus, Camp and Red River be exempt from the provisions of this act."

Adopted.

By Senator Rogers:

Amend by striking from section 2, lines 4, 8 and 17, the following counties: Anderson, Cherokee and Houston.

Adopted.

Bill as amended passed to a third reading.

On motion of Senator Linn of Victoria, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

Yeas—23.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Dibrell.	Stafford.
Gough.	Stone.
Greer.	Terrell.
Harrison.	Tillett.
Kerr.	Woods.
Lewis.	Yett.
Linn of Victoria.	

Nays—7.

Colquitt.	Turney.
Darwin.	Wayland.
Goss.	Yantis.
Neal.	

Excused.

Boren.

Bill read third time.

Senator Colquitt called attention to his amendment, pending on yesterday, which proposed to strike out the enacting clause.

The Chair ruled that the amendment could not be considered unless again offered.

Senator Colquitt renewed his amendment, and the same was lost by the following vote:

Yeas—5.

Colquitt.	Terrell.
Darwin.	Yantis.
Goss.	

Nays—22.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Gough.	Stafford.
Greer.	Stone.
Harrison.	Tillett.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.

Absent.

Dibrell.	Turney.
Neal.	

Excused.

Boren.

The bill was then passed by the following vote:

Yeas—21.

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Burns.	Ross.
Dibrell.	Stafford.
Gough.	Stone.
Greer.	Tillett.
Kerr.	Wayland.
Lewis.	Woods.
Linn, Victoria.	Yett.
Linn, Wharton.	

Nays—6.

Colquitt.	Harrison.
Darwin.	Terrell.
Goss.	Yantis.

Absent.

Bowser.	Turney.
Neal.	

Excused.

Boren.

Senator Linn of Victoria moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Carried.

The following was sent up, and asked to be printed in the Journal:

Mr. President: On yesterday, the Senator from Wise (Mr. Terrell) having called up the free conference committee report on Senate bill No. 83 (the fee bill), I moved the previous question, which was duly seconded. The Senator from Anderson (Mr. Rogers) moved that consideration of the report be postponed until 3 o'clock in the afternoon. I made the point of order that a free conference committee report presented a question of the highest privilege, and that it was not in order to move to postpone its consideration. The Chair (Senator Presler) overruled the point of order, and ordered the roll call on the motion to postpone.

In support of the point of order, I submit the following from the Manual and Digest of the Rules of the Fifty-fourth Congress of the United States:

"A motion to recommit a conference report is not in order, for the reason that making the report has the effect of dissolving the committee; also, for the reason that such reports are not subject to the rules governing ordinary proceedings, the only question in order, upon its presentation, being on agreeing to the report." (See page 357, Digest and Manual, Fifty-fourth Congress.)

If the only thing in order is "on agreeing to the report," how can a motion to postpone be in order? A conference report being a question of the highest privilege, and taking precedence over any other business, must be "adopted or rejected by a single vote," when presented or called up for action. (See page 358, Digest and Manual of Fifty-fourth Congress.)

And further, Mr. President: After the previous question had been seconded (ordered), and the motion to postpone defeated, the Senator from Bexar (Mr. Lewis) moved a call of the Senate. I made the point of order that after the previous question had been seconded (ordered), that a call of the Senate was out of order. The Chair (Senator Presler) held the point not well taken. In support of the point, I desire to submit the rule of the Senate on this question, and in addition thereto the rule of Congress (Rule XVII on the previous question), the second clause of which is in these words: "A call of the house shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present." I insist that since the previous question is for the purpose of bringing the Senate to a direct vote,

and since debate is cut off by the previous question, that the only sensible rule to apply to it is to hold that all motions having in view a postponement of a vote are out of order, for otherwise the purpose of the previous question is of no avail. If you can defeat the "previous question" by a call of the Senate, then it is impossible to bring the Senate to a "direct vote," and the common practice of the "previous question" is a senseless one. If a call of the Senate will prevent the execution of the main question by reason of inability to excuse the absentees by a two-thirds vote, the previous question rule is a foolish one, because it would fail to "bring the Senate to a direct vote," as Senate rule 97 provides. (See, also, Jefferson's Manual, and Rule XVII of the Fifty-fourth Congress, and the Congressional Manual, page 471.) COLQUITT.

Senator Gough called up the conference committee report on Senate bill No. 83 (Wayland fee bill), and moved that the said report be rejected, and that the Senate concur in the House amendments.

Pending action,

Senator Greer moved to postpone consideration till 3 p. m. to-day.

Lost.

Senator Colquitt called for a division of the question.

Senator Linn of Wharton moved the previous question on the motion (Gough's), which was seconded and ordered.

The first subdivision of the question was put, to-wit: Shall the free conference committee's report be rejected?

The Senate refused to reject, by the following vote:

Yeas—13.

Bailey.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Gough.	Terrell.
Lewis.	Wayland.
Linn of Wharton.	Yantis.
Morriss.	

Nays—15.

Atlee.	Kerr.
Beall.	Linn of Victoria.
Colquitt.	Rogers.
Darwin.	Stone.
Dibrell.	Tillett.
Goss.	Woods.
Greer.	Yett.
Harrison.	

Absent.

Neal.

Turney.

Excused.

Boren.

I vote "aye" to reject the report of the free conference committee on the fee bill for the purpose of concurring in the House amendments to the "Wayland fee bill." The substitute reported by the conference committee was a compromise measure, and by no means a perfect measure, yet I believe it a far better bill than the Wayland bill with the House amendments, but I see no reasonable chance to pass the substitute bill. It and similar bills have been repeatedly rejected in the lower house, and I regard it as a certainty that if any fee bill is passed by this Legislature it will be the Wayland bill. I fully understand that the Wayland bill with the House amendments will be of little benefit to the people of Texas, because it does not go into operation until after the next general election, and then no part of the excess of fees goes into the State treasury, and it is partial to sheriffs, they being exempt from the operation of the bill. It however requires the officers to make reports which will be of some benefit to the next Legislature in perfecting the bill; and under the rules of the Legislature a minority of one-third can defeat legislation.

TERRELL.

Pending action on the second subdivision of the question, namely: Will the Senate concur in House amendments to said bill,

Senator Atlee made the point of order that the report of the free conference committee adjusting the differences of the two houses being before the Senate, and the Senate having refused to reject said report, the second part of the question could not properly be put for the reason that the Senate's action on the first part was tantamount to a rejection of the second.

After discussion, and pending action,

Senator Stafford moved to adjourn to 3 p. m.

Adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Bowser.
Bailey.	Burns.
Beall.	Colquitt.

Darwin.	Presler.
Dibrell.	Rogers.
Goss.	Ross.
Gough.	Stafford.
Greer.	Stone.
Harrison.	Terrell.
Kerr.	Tillett.
Lewis.	Wayland.
Linn of Victoria.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.

Absent.

Neal. Turney.

Excused.

Boren.

Pending business was the disposition of the free conference committee report on Senate bill No. 83 (Wayland fee bill), discussion being on the point of order urged by Senators Colquitt and Atlee against the submission of the second subdivision of the question (see point of order at close of morning's session).

After discussion, and pending action,

The Chair gave notice of signing, and did sign in the presence of the Senate, after their captions had been read,

Senate joint resolution No. 13, a resolution to amend section 24 of article 3 of the Constitution of the State of Texas, relating to compensation of members of the Legislature.

Senate bill No. 340, entitled "An act to amend the charter of the city of Galveston by amending sections 39, 116, 127, 132 and 174, and by adding thereto sections 73c, 73d, 90a, 132d, 132e, 174a, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i, and 188j,"

(Senator Bailey in the chair.)

Pending further discussion of the point of order aforegiven, and after various other points of order not herein contained were made,

Senator Goss moved to reconsider the vote by which the Senate refused to reject the free conference committee report on Senate bill No. 83 (Wayland fee bill).

Held, not in order, the Chair ruling that the question then in order was the second subdivision of the question pending before noon, it being as follows: Will the Senate concur in the House amendments to Senate bill No. 83 (Wayland fee bill)?

From this ruling Senator Colquitt appealed to the Senate.

Senator Goss gave notice of appeal from the ruling of the Chair on his motion (see above).

Action on Senator Colquitt's appeal

being had, the question was put: Shall the Chair be sustained?

Sustained by the following vote:

Yeas—16.

Bailey.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Dibrell.	Ross.
Gough.	Stone.
Kerr.	Wayland.
Lewis.	Yantis.
Linn of Wharton.	Yett.

Nays—9.

Atlee.	Linn of Victoria.
Beall.	Terrell.
Colquitt.	Tillett.
Greer.	Woods.
Harrison.	

Absent.

Darwin.	Stafford.
Goss.	Turney.
Neal.	

Excused.

Boren.

Action then being on the appeal of Senator Goss, the Chair was sustained by the following vote:

Yeas—22.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Tillett.
Gough.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Nays—5.

Dibrell.	Harrison.
Goss.	Terrell.
Greer.	

Absent.

Neal.	Turney.
Stafford.	

Excused.

Boren.

Senator Colquitt then made the point of order that the Senate having heretofore refused to concur in the said House amendments to Senate bill No. 83, they could not be considered until a motion prevailed reconsidering the vote by which the Senate rejected them.

Overruled, the Chair holding that the said amendments were properly before the Senate.

Pending further action, the following House message was received:

Hall House of Representatives,
Austin, Texas, May 20, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of House concurrent resolution No. 33, that the Twenty-fifth Legislature adjourn sine die on Friday, May 21, 1897, at 11 o'clock a. m.

Respectfully,

LEE J. ROUNTREE,
Chief Clerk.

Resuming pending business,

Senator Atlee made the point of order that the report of the free conference committee on Senate bill No. 83 would have to be finally disposed of before any other question could be considered.

Not sustained.

The Senate then (again) refused to concur in the House amendments to Senate bill No. 83 (Wayland fee bill) by the following vote:

Yeas—12.

Bailey.	Presler.
Bowser.	Ross.
Gough.	Terrell.
Lewis.	Wayland.
Linn of Wharton.	Yantis.
Morriss.	Yett.

Nays—13.

Beall.	Harrison.
Burns.	Kerr.
Colquitt.	Linn of Victoria.
Darwin.	Stone.
Dibrell.	Tillett.
Goss.	Woods.
Greer.	

Absent.

Neal.	Stafford.
Rogers.	Turney.

Present, not voting.

Atlee:

Excused.

Boren.

Senator Lewis called up House concurrent resolution No. 33 (see House message above), providing for adjournment sine die on May 21, 1897, at 11 o'clock a. m.

Senator Colquitt made the point of order that the free conference committee report on Senate bill No. 83 was undisposed of, and hence pending business.

Not sustained.

Senator Colquitt then took the position that the above ruling was equivalent to ruling that the aforesaid free conference committee report was not before the Senate, and he then called

up the said report and claimed it had precedence.

Sustained.

(Lieutenant Governor Jester in the chair.)

Senator Colquitt then moved the adoption of the free conference committee report.

Senator Presler moved the previous question on the motion, which was duly seconded and prevailed by the following vote:

Yeas—19.

Atlee.	Rogers.
Beall.	Ross.
Colquitt.	Stone.
Darwin.	Terrell.
Goss.	Tillett.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Presler.	

Nays—8.

Bailey.	Linn of Victoria.
Burns.	Linn of Wharton.
Dibrell.	Morriss.
Lewis.	

Absent.

Bowser.	Stafford.
Neal.	Turney.

Excused.

Boren.

The free conference committee report was then adopted by the following vote:

Yeas—16.

Bailey.	Kerr.
Beall.	Rogers.
Bowser.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Goss.	Wayland.
Greer.	Woods.
Harrison.	Yantis.

Nays—12.

Atlee.	Linn of Wharton.
Burns.	Morriss.
Dibrell.	Presler.
Gough.	Ross.
Lewis.	Stone.
Linn of Victoria.	Yett.

Absent.

Neal.	Turney.
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Excused.

Boren.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 20, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 293, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations, required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered or filed, with surety or sureties, and guaranteeing the refraining from or performance by another of any act, duty or obligation, and to regulate such business, and to repeal chapter XVI, title 21, of the Revised Statutes of the State of Texas,"

With House amendments.

Senate bill No. 154, entitled "An act to require cities to provide for a board of plumbers, to be known as the examining and supervising board of plumbers, to regulate the duties of said board, and to provide penalties for violation hereof."

Also, that the House has concurred in Senate amendments to House bill No. 696.

Also, that the House has concurred in Senate amendments to House bill No. 49 (the bill to transfer to the general revenue account the unexpended balance of the United States direct tax fund remaining in the treasury of the State of Texas), etc.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

PRIVILEGED REPORTS.

Committee Room,
Austin, Texas, May 20, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 340, entitled "An act to amend the charter of the city of Galveston, by amending sections 39, 116, and 127, and by adding thereto sections 90a, 132d, 132e, 176, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i, 188j, 4a, 6a, 72a, 91, 92 and 93."

And find the same correctly enrolled, and have this day, at 4:25 p. m., pre-presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,
Austin, Texas, May 20, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate joint resolution No. 13, to amend section 24 of article 3, of the Constitution of the State of Texas,

And find the same correctly enrolled, and have this day, at 4:25 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Senator Presler called up

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency,"

Which had passed the House with amendments, and moved that the Senate concur in said amendments.

House amendments read, to-wit:

(1) Amend section 1, line 9, page 4, by inserting after the word "author" the words "or publishers."

(2) Amend by adding in line 30, on page 3, after the word "acts": Provided, that the compensation shall not exceed \$5 per day for each day that such members may serve."

(3) Amend by adding after the figures "1899," in line 11, page 10, section 14, the following: "or until contracts heretofore entered into shall have expired."

(4) Amend by inserting after the word "German," in lines 2 and 5, page 4, section 1, the word "Bohemian."

(5) Amend section 2, line 20, page 4, by striking out the word "less" and insert in lieu thereof "longer."

(6) Amend section 14, page 10, line 9, by striking out the word "already" and insert "prior to April 1, 1897."

(7) Amend line 26, page 2, by adding after the word "superintendents" the following: "Provided, that not more than one of such commissioners shall be appointed from any congressional district of this State."

Senator Presler moved the previous question on concurrence, which was duly seconded, and pending ordering same.

Senator Beall moved a call of the

Senate, which was seconded and ordered, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Neal. Turney.

Excused.

Boren.

(Senator Gough in the chair.)

Senator Presler moved to excuse the absentees.

Senator Ross moved to adjourn to 10 a. m. to-morrow.

Lost.

The Senate then refused to excuse the absentees by the following vote (requiring two-thirds):

Yeas—17.

Bailey.	Presler.
Bowser.	Rogers.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—10.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Greer.	Tillett.

Absent.

Neal.

Excused.

Boren.

Yea.	Paired.	Nay.
Colquitt.	Turney.	

The Chair gave notice of signing, and did sign, after their captions had been read,

Senate bill No. 363, a bill to be entitled "An act to authorize the Texas Central Railroad Company to purchase, own, and operate the railway extending from the town of Bremond, in Robertson county, to the town of Ross, in McLennan county, commonly known as the Waco and Northwest-

ern division of the Houston and Texas Central Railway, with its appurtenances, or any part thereof, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of said Texas Central Railroad Company."

House bill No. 712, a bill to be entitled "An act to render more effective and efficient the present road law of the State of Texas in its application and operation in the county of Matagorda, and to authorize and empower the said county to issue bonds for the construction and maintenance of public roads and highways within said county."

Senate joint resolution No. 20, granting leave of absence from the State for sixty days from the State of Texas to Hon. W. M. Allison, judge of the Thirty-third district of Texas.

House bill No. 685, a bill to be entitled "An act to grant to the Waco Water, Power and Electric Company the right to construct and maintain a dam across the Brazos river within five miles of the city of Waco."

Senator Rogers called up

Senate bill No. 293, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered or used, with surety or sureties, and guaranteeing the refraining from or performance by another, of any act, duty or obligation, and to regulate such business, and to repeal chapter XVI, title 21, of the Revised Statutes of the State of Texas,"

Which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred by the following vote:

Yeas—22.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Goss.	Stone.
Gough.	Tillett.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Nays—5.

Colquitt.	Stafford.
Darwin.	Terrell.
Harrison.	

Absent.

Dibrell.	Turney.
Neal.	

Excused.

Boren.

Senator Lewis called up House concurrent resolution No. 33, providing for adjournment sine die on May 21, at 11 a. m.

Senator Presler moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Neal.	Turney.
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Excused.

Boren.

Senator Yett moved that Senator Neal be excused indefinitely, on account of sickness.

Senator Tillett moved as a substitute that the Senator be excused from this call only.

Lost by the following vote:

Yeas—10.

Atlee.	Greer.
Beall.	Lewis.
Burns.	Linn of Victoria.
Dibrell.	Ross.
Gough.	Tillett.

Nays—17.

Bailey.	Rogers.
Bowser.	Stafford.
Colquitt.	Stone.
Goss.	Terrell.
Harrison.	Wayland.
Kerr.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.
Presler.	

Absent.

Darwin.	Turney.
Neal.	

Excused.

Boren.

Senator Beall made the point of order that a motion to excuse an absentee, if carried, excused him for that

call only—and the further point that the motion to excuse generally would properly have to be made during the morning call.

Sustained.

Pending business going to the table,

Senator Bowser called up his motion to reconsider the vote by which

Senate joint resolution No. 18, to repeal section 16, article 16, of the Constitution of the State of Texas,

Was lost.

Pending action,

Senator Tillett moved to adjourn to 10 a. m. tomorrow.

Lost.

The motion to reconsider was then lost by the following vote:

Yeas—11.

Bowser.	Presler.
Gough.	Rogers.
Greer.	Stafford.
Kerr.	Woods.
Lewis.	Yett.
Morriss.	

Nays—13.

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Yantis.
Harrison.	

Absent.

Bailey.	Stone.
Burns.	Turney.
Neal.	Wayland.

Excused.

Boren.

On motion of Senator Goss, the regular order of business was suspended, to take up on third reading,

House bill No. 700, a bill to be entitled "An act to fix the time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws and parts of laws in conflict herewith."

Bill read third time, and passed.

On motion of Senator Rogers, the regular order of business was suspended to take up on second reading.

Substitute House bill No. 221, a bill to be entitled "An act to preserve and protect the wild game, birds and fowl of the State of Texas, and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith,"

Action being on the following amendment:

By Senator Stafford:

Amend section 7, page 3, line 31, by adding the following: "Provided, that

nothing herein contained shall be construed to prohibit the sale or shipment of ducks and wild geese."

By Senator Bailey:

Amend the amendment by adding the word "plover."

(Senator Tillett in the chair.)

Senator Kerr moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

Yeas—11.

Bailey.	Ross.
Bowser.	Stafford.
Burns.	Tillett.
Dibrell.	Wayland.
Greer.	Yett.
Kerr.	

Nays—17.

Atlee.	Linn of Wharton.
Beall.	Morriss.
Colquitt.	Presler.
Darwin.	Rogers.
Goss.	Stone.
Gough.	Terrell.
Harrison.	Woods.
Lewis.	Yantis.
Linn of Victoria.	

Absent.

Neal.	Turney.
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Excused.

Boren.

Senator Rogers moved to table the amendment.

Tabled.

Senator Rogers moved to table the amendment (Stafford's).

Lost by the following vote:

Yeas—9.

Bailey.	Ross.
Greer.	Terrell.
Kerr.	Tillett.
Lewis.	Wayland.
Rogers.	

Nays—17.

Atlee.	Linn of Wharton.
Bowser.	Morriss.
Burns.	Presler.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Woods.
Gough.	Yantis.
Harrison.	Yett.
Linn of Victoria.	

Absent.

Beall.	Neal.
Colquitt.	Turney.

Excused.

Boren.

The amendment was then adopted.

By Senator Dibrell:

Amend by striking out all of section 3 of the bill and insert in lieu thereof

the following: "The netting of quail or partridges at any season of the year is hereby prohibited; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars."

Adopted.

By Senator Greer:

Amend by striking out the enacting clause.

Lost by the following vote:

Yeas—5.

Colquitt.	Harrison.
Darwin.	Rogers.
Greer.	

Nays—20.

Atlee.	Presler.
Bailey.	Ross.
Beall.	Stafford.
Burns.	Stone.
Goss.	Terrell.
Kerr.	Tillett.
Lewis.	Wayland.
Linn of Victoria.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.

Present, not voting.

Bowser.

Absent.

Dibrell.	Neal.
Gough.	Turney.

Excused.

Boren.

Senator Bowser moved to adjourn to 9 a. m. to-morrow.

Lost by the following vote:

Yeas—8.

Bailey.	Greer.
Beall.	Ross.
Bowser.	Wayland.
Dibrell.	Yett.

Nays—19.

Atlee.	Morriss.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Stafford.
Goss.	Stone.
Harrison.	Terrell.
Kerr.	Tillett.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Linn of Wharton.	

Absent.

Gough.	Turney.
Neal.	

Excused.

Boren.

The pending bill was then passed to third reading.

Senator Goss moved to suspend the

constitutional rule requiring bills to be read on three several days, and that the bill be put on its third reading and final passage.

Lost by the following vote (requiring four-fifths vote):

Yeas—21.

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Stafford.
Burns.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Nays—7.

Bowser.	Harrison.
Colquitt.	Rogers.
Darwin.	Ross.
Greer.	

Absent.

Neal.	Turney.
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Excused.

Boren.

The following committee reports were sent up:

Committee Room,
Austin, Texas, May 20, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 21, permitting Hon. W. R. Smith, judge of the Thirty-second judicial district of Texas, leave of absence for sixty days from the State,

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, May 20, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 385, a bill to be entitled "An act to amend articles 4018 and 4019 of chapter 16, title LXXXVI, of the Revised Civil Statutes of the State of Texas, relating to free schools and incorporated towns and cities,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be not printed.

PRESLER, Chairman.

On motion of Senator Morriss, the regular order of business was suspended, to take up on its second reading,

Senate bill No. 370, a bill to be entitled "An act to amend articles 3763, 3766, 3767, 3768 and 3770, of title 81, of the Revised Civil Statutes of Texas, relating to the practice of pharmacy."

The bill was read second time, and ordered engrossed.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Gough.	Stone.
Greer.	Terrell.
Kerr.	Tillett.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Nays—4.

Darwin.	Goss.
Dibrell.	Harrison.

Absent.

Bowser.	Turney.
Neal.	Wayland.
Stafford.	Woods.

Excused.

Boren.

Bill read third time.

By Senator Terrell:

Amend by striking out the words "one dollar," in line 21, page 2, and insert in lieu thereof "twenty-five cents."

Adopted.

Pending further action,

On motion of Senator Morriss, the bill was laid on the table subject to call.

Senator Greer moved to adjourn to to 10 a. m. to-morrow.

Lost by the following vote:

Yeas—12.

Atlee.	Kerr.
Beall.	Linn of Victoria.
Bowser.	Morriss.
Burns.	Ross.
Dibrell.	Tillett.
Greer.	Wayland.

Nays—15.

Bailey.	Lewis.
Colquitt.	Linn of Wharton.
Darwin.	Presler.
Gough.	Rogers.
Harrison.	Stafford.

Stone.
Terrell.
Woods.

Yantis.
Yett.

Absent.

Goss.
Neal.

Turney.

Excused.

Boren.

Senator Bowser moved to suspend the regular order of business, to take up, on second reading,

Senate bill No. 295, a bill to be entitled "An act requiring foreign life insurance companies doing business in this State to invest a portion of its funds derived from business in this State in Texas securities, and providing penalties for a violation of its provisions."

Lost.

Senator Rogers moved to suspend the regular order of business, to take up, on second reading,

Senate bill No. 383, a bill to be entitled "An act to sell to the African Methodist Episcopal Church for church purposes a part of block No. 101 of the city of Austin."

Senator Ross moved to table the motion to suspend.

Lost.

The motion to suspend was then lost.

On motion of Senator Stafford, the regular order of business was suspended, to take up on its second reading,

Senate joint resolution No. 17, a resolution to amend section 15 of article 5 of the Constitution of the State of Texas, relating to the qualifications, powers, and jurisdiction of county judges."

By the following vote:

Yeas—19.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Dibrell.	Stafford.
Greer.	Stone.
Harrison.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—8.

Colquitt.	Terrell.
Darwin.	Tillett.
Goss.	Wayland.
Gough.	Woods.

Absent.

Linn of Victoria. Turney.
Neal.

Excused.

Boren.

On motion of Senator Lewis, the regular order of business was suspended to take up, on its second reading,

House bill No. 690, a bill to be entitled "An act to amend section 1 of an act to authorize and permit the Aransas Pass Harbor Company to purchase from the State of Texas Harbor Island, certain shoal waters and flats in front thereof, and in Red Fish Bay, and to excavate a free channel along and through Turtle Cove between Corpus Christi Bay and the deep water harbor or channel at or near Aransas Pass, in order to encourage the procuring and maintenance of deep water at Aransas Pass, and prescribing certain conditions attaching to and following with such purchase, passed at the present session, and which became a law April 8th, 1897."

Bill read second time, and passed to third reading.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—28.

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Nays—none.

Absent.

Neal. Turney.

Excused.

Boren.

Bill read third time, and passed by the following vote:

Yeas—28.

Atlee.	Harrison.
Bailey.	Kerr.
Beall.	Lewis.
Burns.	Linn of Victoria.
Colquitt.	Linn of Wharton.
Darwin.	Morriss.
Dibrell.	Presler.
Goss.	Rogers.
Gough.	Stafford.
Greer.	Stone.

Terrell.
Tillett.
Wayland.

Woods.
Yantis.
Yett.

Nays—1.

Ross.

Present, not voting.

Bowser.

Absent.

Neal.

Turney.

Excused

Boren.

(Senator Colquitt in the chair.)

Senator Atlee moved to take a recess to 9 p. m.

Ruled out of order.

Senator Tillett moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

Yeas—10.

Atlee.	Kerr.
Beall.	Linn of Victoria.
Bowser.	Ross.
Dibrell.	Stafford.
Greer.	Tillett.

Nays—16.

Bailey.	Presler.
Colquitt.	Rogers.
Darwin.	Stone.
Gough.	Terrell.
Harrison.	Wayland.
Lewis.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.

Present, not voting.

Burns. Goss.

Absent.

Neal. Turney.

Excused.

Boren.

Senator Bailey moved to suspend regular business to take up

House bill No. 711, a bill to be entitled "An act to create a more efficient road system for Parker county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the convict farm as well as upon the public roads, or partly upon both, in the discretion of the commissioners court, and making provisions of act applicable as far as practicable to convicts

when worked on county farm, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act as to Parker county; and providing for the working of delinquent poll tax payers, and prescribing a penalty for failure to work public roads in payment of poll tax by said delinquent poll tax payers, and to authorize and empower the commissioners court of Parker county to issue bonds for the construction and maintenance of public roads and highways within Parker county; and to authorize the commissioners court of Parker county to create the office of superintendent of public roads and highways for Parker county, and to provide for the election of said superintendent, and defining his duties, and providing for compensation for said superintendent when elected, and prescribing bond to be given by said officer,"

Lost.

Senator Bailey moved to reconsider the vote by which the Senate refused to take up House bill No. 711.

Lost.

Senator Ross moved to suspend the regular order of business to take up Senate joint resolution No. 1 (providing for a constitutional convention).

Lost.

The Chair laid before the Senate,

House bill No. 279, a bill to be entitled "An act declaring the theft of cotton over the value of twenty dollars a felony, and under the value of twenty dollars a misdemeanor, and affixing penalties thereto."

Bill read second time, and

On motion of Senator Terrell laid on the table subject to call.

Senator Yantis moved to excuse the absentees from the call of the Senate on the text-book bill.

Senator Lewis made the point of order that as the Senate was under call on two different matters, the call must be on the latter (sine die adjournment resolution).

Not sustained.

The Senate then refused to excuse the absentees by the following vote:

Yeas—17.

Bailey.	Linn of Wharton.
Bowser.	Morriss.
Darwin.	Presler.
Goss.	Rogers.
Gough.	Stone.
Harrison.	Terrell.
Kerr.	Wayland.

Woods.
Yantis.

Yett.

Nays—10.

Atlee.
Beall.
Burns.
Dibrell.
Greer.

Lewis.
Linn of Victoria.
Ross.
Stafford.
Tillett.

Absent.

Neal.

Excused.

Boren.

Yea.
Colquitt.

Paired. Nay.
Turney.

The Chair laid before the Senate, on second reading,

House bill No. 425, a bill to be entitled "An act to amend chapter 2, title 10, article 252, of the Revised Civil Statutes of the State of Texas, in regard to wages or compensation for personal services."

Bill read second time, and failed on passage to third reading.

The Chair laid before the Senate, on second reading,

House bill No. 603, a bill to be entitled "An act to amend articles 5068, 5076, 5098 and 5130, title CIV, chapter 3, of the Revised Civil Statutes of the State of Texas."

Bill read second time, and

On motion of Senator Terrell, laid on the table subject to call.

The Chair laid before the Senate,

House bill No. 684, a bill to be entitled "An act to regulate the terms and fix the times for holding the district courts in the Eighth Judicial District of Texas, and to repeal all laws and parts of laws in conflict with this act."

Bill read second time.

Senator Dibrell arose to a parliamentary inquiry, to-wit: "Is there any parliamentary rule by which a call of the Senate can be invoked against a resolution (or motion) providing for an adjournment sine die?"

The Chair stated that, in his opinion, a resolution of the nature named was subject to all parliamentary motions pertinent to other resolutions.

On motion of Senator Bailey, the regular order of business was suspended to take up House bill No. 711 (see caption above), action being on passage to a third reading.

By Senator Bailey:

Amend by striking out all of section 8 of the bill and rearranging numbers of succeeding sections so as to conform thereto.

Adopted.

By Senator Bailey:

Amend caption by striking out the words "and providing for the working of delinquent poll tax payers, and prescribing a penalty for failure to work public roads in payment of poll tax by said delinquent poll tax payers."

Adopted.

On motion of Senator Bailey, the **constitutional rule requiring bills to be read on three several days was suspended**, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Linn of Wharton.
Beall.	Linn of Victoria.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Gough.	Tillett.
Greer.	Yantis.
Harrison.	Yett.
Kerr.	

Nays—none.

Absent.

Atlee.	Terrell.
Goss.	Turney.
Lewis.	Wayland.
Morriss.	Woods.
Neal.	

Excused.

Boren.

Bill read third time, and passed by the following vote:

Yeas—26.

Atlee.	Lewis.
Bailey.	Linn of Wharton.
Beall.	Linn of Victoria.
Bowser.	Morriss.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Yantis.
Kerr.	Yett.

Nays—none.

Absent.

Boren.	Turney.
Neal.	Woods.
Terrell.	

Senator Bailey moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Tabled.

Senator Bailey moved that the Senate be at ease for one hour.

Senator Goss raised the point of order that the motion was unparliamentary and not in order.

Sustained.

On motion of Senator Dibrell, the regular order of business was suspended to take up on its second reading,

Senate bill No. 218, a bill to be entitled "An act to prohibit and punish the buying or selling for future delivery of cotton either in this State or out of this State, which sales for future delivery are not contemplated by the parties to the contract for delivery at any place, but that a certain margin of difference in the rise or fall in the market value of spot cotton is to be paid in money by the seller or purchaser at date of named delivery."

Bill read second time.

Pending action.

Senator Morriss moved that the absentees be excused from the call of the Senate on the text-book bill (Senate bill No. 258).

Lost by the following vote:

Yeas—17.

Bailey.	Presler.
Bowser.	Rogers.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—10.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Greer.	Tillett.

Yea.	Paired.	Nay.
Colquitt.	Turney.	

Absent.

Neal.

Excused.

Boren.

Senator Dibrell moved that the absentees be excused from the call of the Senate on House concurrent resolution No. 33 (the resolution providing for sine die adjournment).

Lost by the following vote:

Yeas—12.

Atlee.	Greer.
Beall.	Lewis.
Bowser.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Gough.	Wayland.

Nays—15.

Bailey.	Presler.
Colquitt.	Rogers.
Darwin.	Stone.
Goss.	Terrell.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Absent.

Neal.	Turney.
Tillett.	

Excused.

Boren.

Action recurring on the consideration of Senate bill No. 218 (see above),

By Senator Dibrell:

Amend by inserting the words "wheat" or "corn" after the word "cotton" in lines 14, 15 and 17, of section 1, and in line 29, of section 2; and in lines 4 and 7, of section 3; and in lines 16 and 18, of section 4.

Adopted.

By Senator Dibrell:

Amend section 2 of the bill by striking out in lines 26, 27 and 28, the following, "or by a written communication through such agent or agents, or by direct correspondence by United States mail, or by telephone or telegraph."

Adopted.

By Senator Dibrell:

Amend by striking out all of section 5 of the bill.

Adopted.

By Senator Burns:

Amend by striking out the enacting clause.

Pending action,

On motion of Senator Gough, the Senate took a recess of 30 minutes.

AFTER RECESS.

(Senator Colquitt in the chair.)

Senator Atlee moved that the Senate adjourn to 10 a. m.

Lost by the following vote:

Yeas—9.

Atlee.	Linn of Victoria.
Beall.	Ross.
Bowser.	Stafford.
Dibrell.	Tillett.
Greer.	

Nays—17.

Bailey.	Presler.
Burns.	Rogers.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Absent.

Goss.	Neal.
Lewis.	Turney.

Excused.

Boren.

Senator Burns withdrew his amendment.

Bill failed on passage to third reading by the following vote:

Yeas—12.

Colquitt.	Rogers.
Dibrell.	Ross.
Gough.	Tinett.
Harrison.	Wayland.
Morriss.	Yantis.
Presler.	Yett.

Nays—15.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Bowser.	Stafford.
Burns.	Stone.
Goss.	Terrell.
Greer.	Woods.
Kerr.	

Absent.

Darwin.	Turney.
Neal.	

Excused.

Boren.

The Chair laid before the Senate

House bill No. 684, a bill to be entitled "An act to regulate the terms and fix the times for holding the district courts in the Eighth judicial district of the State of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Senator Gough moved to postpone further consideration indefinitely.

Indefinitely postponed.

Senator Gough moved to reconsider the vote by which the bill was indefinitely postponed, and to lay that motion on the table.

Tabled.

Senator Rogers moved to reconsider the vote by which the Senate this morning refused to suspend the constitutional rule, and put on its third reading

Substitute House bill No. 221, a bill to be entitled "An act to preserve and protect the wild game, birds and fowl of the State of Texas, and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith,"

Reconsidered.

The constitutional rule requiring bills to be read on three several days was then suspended, and the bill put upon

its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Morriss.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Lewis.	Wayland.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.

Nays—5.

Colquitt.	Harrison.
Darwin.	Woods.
Greer.	

Absent.
Turney.

Kerr.
Neal.

Excused.

Boren.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Presler.
Bailey.	Rogers.
Beall.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Wayland.
Linn of Victoria.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—5.

Colquitt.	Harrison.
Darwin.	Woods.
Greer.	

Absent.
Neal.
Turney.

Kerr.
Lewis.

Excused.

Boren.

Senator Goss moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

The Chair laid before the Senate, on third reading,

Senate joint resolution No. 6, "A resolution to amend section 1, of article VI, of the Constitution of the State of Texas, so as to require the payment of all poll taxes as a prerequisite to voting; and to provide for submitting the same to a vote of the qualified voters of the State,"

Action being on final passage.

Senator Linn of Wharton moved that

further consideration be postponed till Thursday, June 3.

Lost by the following vote:

Yeas—14.

Atlee.	Goss.
Bailey.	Harrison.
Beall.	Lewis.
Bowser.	Linn of Wharton.
Burns.	Morriss.
Darwin.	Ross.
Dibrell.	Yantis.

Nays—14.

Colquitt.	Stafford.
Gough.	Stone.
Greer.	Terrell.
Kerr.	Tillett.
Linn of Victoria.	Wayland.
Presler.	Woods.
Rogers.	Yett.

Absent.
Turney.

Neal.

Excused.

Boren.

The resolution failed on final passage by the following vote:

Yeas—14.

Colquitt.	Stafford.
Gough.	Stone.
Greer.	Terrell.
Kerr.	Tillett.
Linn of Victoria.	Wayland.
Presler.	Woods.
Rogers.	Yett.

Nays—14.

Atlee.	Goss.
Bailey.	Harrison.
Beall.	Lewis.
Bowser.	Linn of Wharton.
Burns.	Morriss.
Darwin.	Ross.
Dibrell.	Yantis.

Absent.
Turney.

Neal.

Excused.

Boren.

Senator Presler sent up the following:

Resolved, that the President of the Senate be and he is hereby authorized and directed to issue warrants directing the Sergeant-at-Arms of the Senate to compel the attendance at once of the absent members of the Senate.

Senator Beall inquired whether the resolution, under the rules, would not have to go over till to-morrow.

The Chair stated that as the Constitution specifically vested the Senate with the power to compel the attendance of absent members, and as this

resolution looked to that end, therefore consideration of same was in order.

The resolution was adopted by the following vote:

Yeas—23.

Atlee.	Morriss.
Bailey.	Presler.
Bowser.	Rogers.
Colquitt.	Stafford.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Nays—5.

Beall.	Lewis.
Burns.	Ross.
Dibrell.	

Absent.

Neal.	Turney.
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Excused.

Boren.

Senator Bailey called up Senator Beall's motion to reconsider the vote by which

Senate bill No. 129, a bill to be entitled "An act to create and establish an industrial institute in the State of Texas, and a college for the education of white girls in the arts and sciences." Was passed.

The Senate refused to reconsider.

On motion of Senator Yantis, the regular order of business was suspended to take up, on second reading,

Senate Bill No. 343, a bill to be entitled "An act to redistrict the State of Texas into judicial districts for the purpose of reducing their number and equalizing the work of the judges, to fix the times of holding court therein, to provide for the appointment of district judges and district attorneys in certain cases, and to repeal all laws and parts of laws in conflict herewith."

The bill was read second time.

Senator Bailey moved to postpone further consideration of the bill indefinitely.

After discussion, Senator Bailey withdrew his motion to postpone.

Senator Dibrell called for the reading of the bill in full.

Pending same, on motion of Senator Harrison, the reading in full was dispensed with.

By Senator Greer:

Amend line 15, page 1, by striking out "San Augustine" and inserting "Jefferson."

Adopted.

By Senator Greer:

Amend page 1, line 25, by striking out "San Augustine" and insert "Tyler."

Adopted.

By Senator Greer:

Amend page 1, line 28, by striking out "Tyler" and insert "Jefferson."

Adopted.

By Senator Greer:

Amend page 2, line 1, by striking out "Trinity" and insert "San Augustine."

Adopted.

By Senator Greer:

Amend page 2, line 11, by striking out "Trinity" and inserting "San Augustine."

Adopted.

By Senator Greer:

Amend page 5, line 19, by striking out "Jefferson" and inserting "Trinity;" also by striking out the word "Jefferson" on page 5, line 29, and inserting the word "Trinity," and striking out the word "five" in line 30, page 5, and inserting "four."

Adopted.

By Senator Tillett:

(1) Amend page 14, line 4, by striking out the words "and Haskell."

(2) And further amend page 15 by striking out lines 5, 6, 7, and 8.

(3) And further amend page 30, line 12, by inserting after the word "Jones," the word "Haskell."

(4) And further amend by striking out all after the word "weeks," line 22, page 30, down to and including the word "weeks," line 31, page 30, and insert in lieu thereof the following: "In the county of Haskell, on the tenth Monday after the first Monday in February, and the twelfth Monday after the first Monday in August; and may continue in session two weeks."

"In the county of Callahan, on the twelfth Monday after the first Monday in February, and the fourteenth Monday after the first Monday in August, and may continue in session two weeks."

"In the county of Shackelford on the fourteenth Monday after the first Monday in February, and the sixteenth Monday after the first Monday in August, and may continue in session two weeks."

"In the county of Stephens, on the sixteenth Monday after the first Monday in February, and the eighteenth Monday after the first Monday in August, and may continue in session two weeks."

(5) And further amend page 34, line

2, by adding after the word "district," the following: "And the district judge of the Thirty-second as district judge of the Twentieth district."

Senator Goss moved to table the amendment.

Lost by the following vote:

Yeas—11.

Burns.	Presler.
Colquitt.	Rogers.
Goss.	Ross.
Gough.	Woods.
Linn of Wharton.	Yantis.
Morriss.	

Nays—15.

Atlee.	Kerr.
Bailey.	Linn of Victoria.
Beall.	Stone.
Bowser.	Terrell.
Darwin.	Tillett.
Dibrell.	Wayland.
Greer.	Yett.
Harrison.	

Absent.

Lewis.	Stafford.
Neal.	Turney.

Excused.

Boren.

The amendment was then adopted by the following vote:

Yeas—13.

Atlee.	Rogers.
Beall.	Stone.
Darwin.	Terrell.
Dibrell.	Tillett.
Greer.	Wayland.
Harrison.	Yett.
Kerr.	

Nays—8.

Colquitt.	Morriss.
Goss.	Ross.
Gough.	Woods.
Linn of Wharton.	Yantis.

Absent.

Bailey.	Neal.
Bowser.	Presler.
Burns.	Stafford.
Lewis.	Turney.
Linn of Victoria.	

Excused.

Boren.

Senator Yantis moved to reconsider the vote by which the amendment was adopted.

Senator Tillett made the point of order that the motion to reconsider was not in order for the reason that the Senator voted on the losing side.

Sustained.

By Senator Rogers:

Amend by striking out sections 7, 13, and 32 of the bill.

Senator Linn of Wharton moved the previous question on the motion and the bill, which was ordered.

The amendment was then adopted.

Bill ordered engrossed, by the following vote:

Yeas—19.

Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Gough.	Tillett.
Greer.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—7.

Atlee.	Harrison.
Darwin.	Linn of Victoria.
Dibrell.	Wayland.
Goss.	

Absent.

Lewis.	Stafford.
Neal.	Turney.

Excused.

Boren.

On motion of Senator Bowser, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Kerr.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.

Nays—5.

Atlee.	Harrison.
Dibrell.	Linn of Victoria.
Goss.	

Absent.

Bailey.	Stafford.
Lewis.	Turney.
Neal.	

Excused.

Boren.

Bill read third time, and passed by the following vote:

Yeas—21.

Bailey.	Colquitt.
Beall.	Darwin.
Bowser.	Gough.
Burns.	Greer.

Kerr.	Terrell.
Linn of Victoria.	Tillett.
Linn of Wharton.	Wayland.
Morriss.	Woods.
Presler.	Yantis.
Ross.	Yett.
Stone.	

Nays—5.

Atlee.	Harrison.
Dibrell.	Rogers.
Goss.	

Absent.

Lewis.	Stafford.
Neal.	Turney.

Excused.

Boren.

Senator Gough moved to reconsider the vote by which the bill was passed.

Senator Atlee moved to lay the motion to reconsider on the table.

Lost by the following vote:

Yeas—6.

Atlee.	Harrison.
Darwin.	Rogers.
Goss.	Wayland.

Nays—19.

Bailey.	Morriss.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Gough.	Tillett.
Greer.	Woods.
Kerr.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Absent.

Dibrell.	Stafford.
Lewis.	Turney.
Neal.	

Excused.

Boren.

The motion to reconsider then prevailed.

Senator Gough then moved to reconsider the vote by which the bill was ordered engrossed.

Reconsidered.

Senator Gough then moved to reconsider the vote by which the amendment last offered by Senator Rogers was adopted.

Reconsidered.

Senator Gough then moved to table the amendment.

Tabled.

The bill was ordered engrossed.

Senator Gough moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be put upon its third reading.

Lost by the following vote (requiring a four-fifths vote):

Yeas—15.

Beall.	Morriss.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Terrell.
Gough.	Tillett.
Greer.	Woods.
Kerr.	Yantis.
Linn of Wharton.	

Nays—9.

Atlee.	Rogers.
Bailey.	Stone.
Darwin.	Wayland.
Goss.	Yett.
Harrison.	

Absent.

Dibrell.	Neal.
Lewis.	Stafford.
Linn of Victoria.	Turney.

Excused.

Boren.

Senator Bailey moved to excuse the absentees from the call on the text book bill.

Lost by the following vote (requiring a two-thirds vote):

Yeas—16.

Bailey.	Presler.
Bowser.	Rogers.
Darwin.	Stone.
Goss.	Terrell.
Harrison.	Wayland.
Kerr.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.

Nays—11.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Gough.	Tillett.
Greer.	

Absent.

Neal.

Excused.

Boren.

Yea.	Paired.	Nay.
Colquitt.	Turney.	

The Chair laid before the Senate, Senate bill No. 359, entitled "An act to amend subdivisions 1 and 2, chapter 2, title 15, article 1093, of the Code of Criminal Procedure of the State of Texas, relating to attached witnesses, and providing fees for same."

On motion of Senator Yantis, consideration was postponed till 10 a. m. to-morrow.

Senator Linn of Wharton moved to suspend regular business to take up

Senate bill No. 278, a bill to be entitled "An act to establish an additional State Normal School.

Lost.

The Chair laid before the Senate, on third reading,

Senate bill No. 142, a bill to be entitled "An act to amend articles 373, 374, 375 and 376, of the Penal Code, Revised Statutes of the State of Texas, relating to lotteries and raffles."

Bill read third time.

Senator Bailey moved to postpone consideration of the bill indefinitely.

Indefinitely postponed.

On motion of Senator Burns, the regular order of business was suspended, to take up, on second reading,

Senate bill No. 222, a bill to be entitled "An act to prohibit the manufacture and sale of candy adulterated by the admixture of terra alba, barytes, talc or other mineral substances, poisonous colors and flavors, or ingredients deleterious or detrimental to health; and to prescribe penalties for violation of same, and to repeal all laws or parts of laws in conflict with this act."

Bill read second time, and ordered engrossed.

Senator Yantis moved to take up Senate bill No. 278 (see caption above).

Lost.

Senator Yett moved to reconsider the vote by which the Senate refused to suspend the constitutional rule and put Senate bill No. 343 (judicial redistricting bill).

Reconsidered.

The Senate then again refused to suspend the constitutional rule by the following vote:

Yeas—17.

Bailey.	Morriss.
Beall.	Ross.
Bowser.	Stone.
Burns.	Terrell.
Colquitt.	Tillett.
Gough.	Woods.
Greer.	Yantis.
Linn of Wharton.	Yett.

Nays—6.

Atlee.	Harrison.
Darwin.	Rogers.
Goss.	Wayland.

Absent.

Dibrell.	Neal.
Kerr.	Presler.
Lewis.	Stafford.
Linn of Victoria.	Turney.

Excused.

Boren.

Senator Bailey moved to excuse the absentees from the call on the textbook bill.

Lost by the following vote:

Yeas—17.

Bailey.	Presler.
Bowser.	Rogers.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—10.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Greer.	Tillett.

Absent.

Neal.

Excused.

Boren.

Yea.	Paired.	Nay.
Colquitt.	Turney.	

Senator Dibrell moved to excuse the absentees from the call of the Senate on House concurrent resolution No. 33 (providing for sine die adjournment on May 21 at 11 a. m.)

Lost by the following vote:

Yeas—13.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Goss.	Tillett.
Gough.	Wayland.
Greer.	

Nays—15.

Bailey.	Presler.
Bowser.	Rogers.
Colquitt.	Stone.
Darwin.	Terrell.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Absent.

Neal.

Turney.

Excused.

Boren.

Senator Tillett moved that the Senate take a recess till 6 o'clock a. m. this morning.

Lost.

Senator Yantis moved to reconsider the vote by which the Senate refused to take up Senate bill No. 278 (see above).

Lost.

On motion of Senator Stafford, the regular order of business was suspended to take up on second reading,

Senate bill No. 273, a bill to be entitled "An act to regulate chattel mortgages and trust deeds executed by an insolvent debtor for the purpose of securing preferred creditors, and to punish fraudulent debtors and fraudulent preferred creditors."

By the following vote:

Yeas—16.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Rogers.
Bowser.	Stafford.
Burns.	Terrell.
Dibrell.	Tillett.
Gough.	Woods.
Harrison.	Yantis.

Nays—6.

Colquitt.	Stone.
Goss.	Wayland.
Ross.	Yett.

Absent.

Darwin.	Linn of Wharton.
Greer.	Neal.
Kerr.	Presler.
Lewis.	Turney.

Excused.

Boren.

The bill was read second time, and ordered engrossed.

Senator Stafford moved to reconsider the vote by which the bill was ordered engrossed.

Reconsidered.

By Senator Stafford:

Amend by adding section 2, as follows:

"The near approach of the close of the present session, and the crowded condition of the calendar, and the importance of preventing fraud in bills of assignment and deeds of trust, creates an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days and that this act take effect and be in force from and after its passage, and it is so enacted."

Pending action,

Senator Yantis moved to excuse the absentees from the call of the Senate on Senate bill No. 258 (text-book bill).

Lost by the following vote (requiring a two-thirds vote):

Yeas—17.

Bailey.	Presler.
Bowser.	Rogers.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—10.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Greer.	Tillett.

Absent.

Neal.

Excused.

Boren.

Yeas.	Paired.	Nays.
Colquitt.	Turney.	

Senator Atlee moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

Yeas—10.

Atlee.	Greer.
Beall.	Linn of Victoria.
Bowser.	Ross.
Burns.	Stafford.
Dibrell.	Tillett.

Nays—16.

Bailey.	Presler.
Colquitt.	Rogers.
Darwin.	Stone.
Gough.	Terrell.
Harrison.	Wayland.
Kerr.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.

Absent.

Goss.	Neal.
Lewis.	Turney.

Excused.

Boren.

Action recurring on Senator Stafford's amendment to Senate bill No. 273 (see above), the same was Adopted.

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Lewis.
Bailey.	Linn of Wharton.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.

Nays—5.

Colquitt.	Morriss.
Goss.	Ross.
Linn of Victoria.	

Absent.
Neal. Yett.
Turney.

Excused.
Boren.

Bill read third time, and passed by the following vote:

Yeas—21.
Atlee. Linn of Victoria.
Bailey. Linn of Wharton.
Beall. Presler.
Bowser. Rogers.
Burns. Stafford.
Darwin. Stone.
Dibrell. Terrell.
Gough. Tillett.
Harrison. Woods.
Kerr. Yantis.
Lewis.

Nays—3.
Colquitt. Ross.
Morriss.

Absent.
Goss. Turney.
Greer. Wayland.
Neal. Yett.

Excused.
Boren.

On motion of Senator Beall, the regular order of business was suspended, to take up, on its second reading,

Senate bill No. 174, a bill to be entitled "An act to prevent deception and fraud by owner or owners or agent who may have control of any stallion kept for service, by proclaiming or publishing fraudulent or false pedigrees, and to protect such owner or owners or agents in the collection of fees for the services of such stallion."

Bill read second time, with committee substitute.

Committee substitute adopted.

By Senator Beall:

Amend by adding

"Sec. 2. There being in this State no adequate law on the subject stated in the caption hereof, and there being a large and growing amount of work on the calendar of the Legislature, an emergency and imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect upon its passage, and it is so enacted."

Adopted.

The bill was ordered engrossed.

On motion of Senator Beall, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third

reading and final passage by the following vote:

Yeas—20.
Atlee. Linn of Wharton.
Bailey. Morriss.
Beall. Presler.
Bowser. Stafford.
Burns. Stone.
Colquitt. Terrell.
Dibrell. Tillett.
Gough. Woods.
Harrison. Yantis.
Kerr. Yett.

Nays—1.
Ross.

Absent.
Darwin. Neal.
Goss. Rogers.
Greer. Turney.
Lewis. Wayland.
Linn of Victoria.

Excused.
Boren.

Bill read third time, and passed by the following vote:

Yeas—21.
Atlee. Morriss.
Bailey. Presler.
Beall. Rogers.
Bowser. Ross.
Burns. Stafford.
Colquitt. Stone.
Dibrell. Terrell.
Gough. Tillett.
Harrison. Woods.
Kerr. Yantis.
Linn of Wharton.

Nays—none.
Absent.

Darwin. Neal.
Goss. Turney.
Greer. Wayland.
Lewis. Yett.
Linn of Victoria.

Excused.
Boren.

On motion of Senator Gough, the regular order of business was suspended to take up on third reading,

Senate bill No. 278, a bill to be entitled "An act to establish an additional State normal school."

The bill was then read third time, and passed by the following vote:

Yeas—16.
Atlee. Lewis.
Bailey. Linn of Victoria.
Bowser. Linn of Wharton.
Burns. Morriss.
Gough. Presler.
Kerr. Rogers.

Ross. Woods.
Stone. Yantis.
Nays—6.
Beall. Stafford.
Colquitt. Terrell.
Harrison. Tillett.

Absent.

Darwin. Neal.
Dibrell. Turney.
Goss. Wayland.
Greer. Yett.

Excused.

Boren.

Senator Gough moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

Senator Yantis moved to excuse the absentees from the call of the Senate on Senate bill No. 258 (text-book bill).

Lost by the following vote (requiring a two-thirds vote):

Yeas—17.

Bailey. Presler.
Bowser. Rogers.
Darwin. Stone.
Goss. Terrell.
Gough. Wayland.
Harrison. Woods.
Kerr. Yantis.
Linn of Wharton. Yett.
Morris.

Nays—10.

Atlee. Lewis.
Beall. Linn of Victoria.
Burns. Ross.
Dibrell. Stafford.
Greer. Tillett.

Absent.

Neal.

Excused.

Boren.

Yea. Paired. Nay.
Colquitt. Turney.

Senator Stafford moved to excuse the absentees from the call of the Senate on House concurrent resolution No. 33 (sine die adjournment resolution).

Lost by the following vote (requiring a two-thirds vote):

Yeas—13.

Atlee. Lewis.
Beall. Linn of Victoria.
Bowser. Ross.
Burns. Stafford.
Dibrell. Tillett.
Gough. Wayland.
Greer.

Nays—14.

Bailey. Darwin.
Colquitt. Harrison.

Kerr. Stone.
Linn of Wharton. Terrell.
Morris. Woods.
Presler. Yantis.
Rogers. Yett.

Absent.

Goss. Turney.
Neal.

Excused.

Boren.

(Lieutenant Governor Jester in the chair.)

Senator Stafford moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

Yeas—9.

Atlee. Linn of Victoria.
Beall. Ross.
Burns. Stafford.
Greer. Tillett.
Lewis.

Nays—17.

Bailey. Morris.
Bowser. Presler.
Colquitt. Rogers.
Darwin. Stone.
Goss. Terrell.
Gough. Woods.
Harrison. Yantis.
Kerr. Yett.
Linn of Wharton.

Absent.

Dibrell. Turney.
Neal. Wayland.

Excused.

Boren.

Senator Gough moved to excuse the absentees from the call of the Senate on Senate bill No. 258 (text-book bill).

Lost by the following vote (requiring a two-thirds vote):

Yeas—17.

Bailey. Presler.
Bowser. Rogers.
Darwin. Stone.
Goss. Terrell.
Gough. Wayland.
Harrison. Woods.
Kerr. Yantis.
Linn of Wharton. Yett.
Morris.

Nays—10.

Atlee. Lewis.
Beall. Linn of Victoria.
Burns. Ross.
Dibrell. Stafford.
Greer. Tillett.

Absent.

Neal.

Excused.

Boren.

Yea. Paired. Nay.
Colquitt. Turney.

(Senator Terrell in the chair.)

On motion of Senator Colquitt, the regular order of business was suspended to take up on second reading,

Senate bill No. 385, a bill to be entitled "An act to amend articles 4018 and 4019, of chapter 16, title LXXVI, of the Revised Civil Statutes of Texas, relating to free schools and incorporated towns and cities."

Bill read second time, and ordered engrossed.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Tillett.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Victoria.	<u>Yett.</u>

Nays—1.

Rogers.

Absent.

Dibrell.	Turney.
Goss.	Wayland.
Neal.	

Excused.

Boren.

The bill was read third time, and passed by the following vote

Yeas—22.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Victoria.	<u>Yett.</u>

Nays—1.

Rogers.

Absent.

Dibrell.	Neal.
Goss.	Stone.
Greer.	Turney.
Lewis.	

Excused.

Boren.

The Chair laid before the Senate, on second reading,

Senate bill No. 295, entitled "An act requiring foreign life insurance companies doing business in this State to invest a portion of its funds derived from business in this State in Texas securities, and providing penalties for a violation of its provisions."

Bill read second time, and ordered engrossed.

Senator Bowser moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be put upon its third reading and final passage.

Lost by the following vote:

Yeas—10.

Beall.	Morriss.
Bowser.	Presler.
Colquitt.	Terrell.
Darwin.	Woods.
Kerr.	Yantis.

Nays—11.

Atlee.	Linn of Victoria.
Burns.	Linn of Wharton.
Goss.	Rogers.
Gough.	Ross.
Harrison.	Tillett.
Lewis.	

Absent.

Bailey.	Stafford.
Dibrell.	Stone.
Greer.	Turney.
Neal.	Wayland.

Excused.

Boren.

Senator Stafford moved to excuse the absentees from the call of the Senate on House concurrent resolution No. 33 (sine die adjournment resolution).

Lost by the following vote:

Yeas—8.

Atlee.	Linn of Victoria.
Beall.	Ross.
Burns.	Stafford.
Goss.	Tillett.
Lewis.	

Nays—15.

Bowser.	Presler.
Colquitt.	Rogers.
Darwin.	Stone.
Gough.	Terrell.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	<u>Yett.</u>
Morriss.	

Absent.

Bailey.	Neal.
Dibrell.	Turney.
Greer.	Wayland.

Excused.

Boren.

Senator Ross moved to adjourn to 10 a. m. to-morrow.

Lost by the following vote:

Yeas—5.

Atlee.	Ross.
Beall.	Tillett.
Lewis.	

Nays—19.

Bowser.	Morriss.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Victoria.	Yett.
Linn of Wharton.	

Absent.

Bailey.	Neal.
Dibrell.	Turney.
Greer.	Wayland.

Excused.

Boren.

Senator Woods moved to excuse the absentees from the call of the Senate on the text book bill (Senate bill No. 258).

Lost by the following vote (requiring a two-thirds vote):

Yeas—17.

Bailey.	Presler.
Bowser.	Rogers.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn of Wharton.	Yett.
Morriss.	

Nays—10.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Greer.	Tillett.

Absent.

Neal.

Excused.

Boren.

Yea.	Paired.	Nay.
Colquitt.	Turney.	

Senator Stafford called up House concurrent resolution No. 32 (providing for adjournment sine die on Monday, May 24), and moved its adoption.

Senator Yantis moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Bowser.
Bailey.	Burns.
Beall.	Colquitt.

Darwin.	Presler.
Dibrell.	Rogers.
Goss.	Ross.
Gough.	Stafford.
Greer.	Stone.
Harrison.	Terrell.
Kerr.	Tillett.
Lewis.	Wayland.
Linn of Victoria.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.

Absent.

Neal.	Turney.
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Excused.

Boren.

Pending business going to the table.

Senator Yantis moved that the absentees be excused from the call of the Senate on the text-book bill (Senate bill No. 258).

Lost by the following vote (requiring a two-thirds vote):

Yeas—15.

Bailey.	Rogers.
Bowser.	Stone.
Goss.	Terrell.
Harrison.	Wayland.
Kerr.	Woods.
Linn of Wharton.	Yantis.
Morriss.	Yett.
Presler.	

Nays—9.

Atlee.	Greer.
Beall.	Ross.
Burns.	Stafford.
Dibrell.	Tillett.
Gough.	

Absent.

Darwin.	Linn of Victoria.
Lewis.	Neal.

Excused.

Boren.

Yea.	Paired.	Nay.
Colquitt.	Turney.	

(Senator Colquitt in the chair.)

Senator Woods moved to reconsider the vote by which Senate bill No. 218 failed on engrossment.

Senator Bailey moved to table the motion to reconsider.

Lost.

The motion to reconsider then prevailed.

The bill was then ordered engrossed.

Senator Terrell moved to excuse the absentees from the call of the Senate on the text book bill (Senate bill No. 258).

Lost by the following vote (requiring a two-thirds vote):

Yeas—15.

Bailey.	Darwin.
Bowser.	Goss.

Harrison.
Kerr.
Linn of Wharton.
Morriss.
Presler.
Rogers.

Stone.
Terrell.
Woods.
Yantis.
Yett.

Nays—11.

Atlee.
Beall.
Burns.
Dibrell.
Gough.
Greer.

Lewis.
Linn of Victoria.
Ross.
Stafford.
Tillett.

Absent.

Neal. Wayland.

Excused.

Boren.

Yea. Paired. Nay.
Colquitt. Turney.

Senator Dibrell moved to adjourn to 10 a. m. to-day.

Lost by the following vote:

Yeas—9.

Atlee.
Beall.
Burns.
Dibrell.
Greer.

Lewis.
Linn of Victoria.
Ross.
Tillett.

Nays—14.

Bowser.
Colquitt.
Darwin.
Goss.
Gough.
Harrison.
Kerr.

Linn of Wharton.
Morriss.
Presler.
Rogers.
Terrell.
Woods.
Yantis.

Absent.

Bailey.
Neal.
Stafford.
Stone.

Turney.
Wayland.
Yett.

Excused.

Boren.

Senator Dibrell moved to suspend regular business to take up

Senate joint resolution No. 1 (providing for a constitutional convention).

Lost.

Senator Dibrell then moved to excuse the absentees from the call of the Senate on House concurrent resolution No. 33 (sine die adjournment resolution).

Lost by the following vote:

Yeas—10.

Atlee.
Beall.
Burns.
Dibrell.
Greer.

Lewis.
Linn of Victoria.
Ross.
Stafford.
Tillett.

Nays—17.

Bailey.
Bowser.
Colquitt.
Darwin.
Goss.
Gough.
Harrison.
Kerr.
Linn of Wharton.

Morriss.
Presler.
Rogers.
Terrell.
Wayland.
Woods.
Yantis.
Yett.

Absent.

Neal.
Stone.

Turney.

Excused.

Boren.

On motion of Senator Dibrell, the regular order of business was suspended to take up on second reading,

Senate bill No. 170, a bill to be entitled "An act to amend articles 402 and 406, chapter 6, of the Penal Code of the State of Texas, and to add thereto articles 406a and 406b."

Bill read second time, with committee amendment.

Committee amendment adopted.

Bill ordered engrossed.

Senator Dibrell moved to reconsider the vote by which the Senate refused to take up Senate joint resolution No. 1 (providing for a constitutional convention).

Reconsidered.

The resolution was then taken up, read second time, and ordered engrossed.

On motion of Senator Beall, the regular order of business was suspended to take up on second reading,

Senate bill No. 21, a bill to be entitled "An act regulating the licensing of attorneys and counsellors at law, and the practice of law within this State."

Bill read second time, and ordered engrossed.

Senator Beall moved to reconsider the vote by which the bill was ordered engrossed.

Reconsidered.

By Senator Beall:

Amend by adding

"Sec. 19. The near approach of the close of the present session of the Legislature, and the crowded condition of the calendar, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

The bill was ordered engrossed.

Pending further action,
 Senator Bowser moved that the Senate take a recess till 9 o'clock, in order that breakfast might be had, each member to be put upon his parol of honor to be in the Senate chamber at that hour.

Senator Linn of Wharton made the point of order that the motion was not in line with recognized parliamentary procedure, and not in order.
 Sustained.

Senator Bailey entered a motion to reconsider the vote by which the Senate adopted the free conference committee report on the Wayland fee bill.

On motion of Senator Ross, a recess of fifteen minutes was taken.

AFTER RECESS.

Pending business:

Senator Beall's motion to suspend the constitutional rule requiring bills to be read on three several days, and put upon its third reading

Senate bill No. 121, "An act regulating the licensing of attorneys and counsellors at law, and the practice of the law within this State."

Suspended by the following vote:

Yeas—19.

Atlee.	Linn of Victoria.
Bailey.	Presler.
Beall.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Dibrell.	Stone.
Goss.	Tillett.
Gough.	Wayland.
Greer.	Yett.
Kerr.	

Nays—4.

Bowser.	Harrison.
Darwin.	Terrell.
	Absent.
Lewis.	Turney.
Linn of Wharton.	Woods.
Morriss.	Yantis.
Neal.	

Excused.

Boren.

Bill read third time, and passed by the following vote:

Yeas—16.

Bailey.	Linn, Wharton.
Beall.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yett.

Nays—8.

Atlee.	Darwin.
Colquitt.	Goss.

Linn, Victoria.	Terrell.
Morriss.	Yantis.

Absent.

Dibrell.	Presler.
Lewis.	Ross.
Neal.	Turney.

Excused.

Boren.

On motion of Senator Gough, the regular order of business was suspended to take up

Senate bill No. 343, a bill to be entitled "An act to redistrict the State of Texas into judicial districts, for the purpose of reducing their number and equalizing the work of the judges, to fix the times of holding court therein, to provide for the appointment of district judges and district attorneys in certain cases, and to repeal all laws and parts of laws in conflict herewith."

Senator Gough moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be put on its third reading and final passage.

Lost by the following vote:

Yeas—19.

Bailey.	Presler.
Beall.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Gough.	Tillett.
Greer.	Woods.
Kerr.	Yantis.
Linn, Wharton.	Yett.
Morriss.	

Nays—8.

Atlee.	Harrison.
Darwin.	Lewis.
Dibrell.	Linn, Victoria.
Goss.	Wayland.

Absent.

Neal.	Turney.
Rogers.	

Excused.

Boren.

Senator Beall raised the point of order that the Calendar Clerk was the proper custodian of all bills pending before the Senate, and that Senate bill No. 258 had been taken from his hands without authority and placed in the hands of the Enrolling Clerk before its passage by the Senate.

After discussion,

The Chair stated that the bill was properly on the President's table, and within his jurisdiction and control.

By consent, Senator Dibrell offered the following resolution:

Resolved, that the minority against and majority for the uniform text-book bill do here now extend to the Hon. O. B. Colquitt, to whom was entrusted the chair during the night, their hearty congratulations for the manly, able, and impartial manner of his presiding over the Senate during a heated contest.

Unanimously adopted.

On motion of Senator Stone, the regular order of business was suspended, to take up, on second reading,

Senate bill No. 279, a bill to be entitled "An act declaring the theft of cotton of the value of \$20 or over a felony, and under the value of \$20 a misdemeanor, and affixing a penalty thereto."

Bill read second time.

By Senator Stone:

Amend by adding:

"Section 4. Whereas, the crowded condition of the calendar and the near approach of the close of the session creates an imperative public necessity that the constitutional rule which requires bills to be read on three several days in each house be suspended, and it is so suspended."

Adopted.

Bill as amended passed to third reading.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Atlee.	Linn, Victoria.
Bailey.	Linn, Wharton.
Beall.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Tillett.
Greer.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.

Nays—4.

Darwin.	Terrell.
Harrison.	Woods.

Absent.

Neal.	Turney.
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Excused.

Boren.

Bill read third time and passed.

Senator Dibrell moved to reconsider

the vote by which the bill passed, and to lay that motion on the table.

Tabled.

(Lieutenant Governor Jester in the chair.)

The Chair gave notice of signing, and did sign in the presence of the Senate, after their captions had been read,

House bill No. 685, a bill to be entitled "An act to grant to the Waco Water, Power and Electric Company the right to construct and maintain a dam across the Brazos river within five miles of the city of Waco."

House bill No. 712, a bill to be entitled "An act to inaugurate a more efficient road system for the county of Matagorda."

House bill No. 696, a bill to be entitled "An act to prohibit the taking of fish from the waters of this State otherwise than by means of the ordinary hook and line and trout line, and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof."

House bill No. 49, a bill to be entitled "An act to transfer to the general revenue account the unexpended balance of the United States direct tax fund remaining in the State treasury on the second day of March, 1897, the same to be used in payment of the current expenses of the State government."

House joint resolution No. 34, to amend section 51, of article 3, of the Constitution of the State of Texas, so as to authorize the granting of aid to disabled and dependent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors."

Senate bill No. 293, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations, required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or other public officer, to be made, given, tendered or filed, with surety or sureties, and guaranteeing the refraining from or performance by another of any act, duty or obligation, and to regulate such business, and to repeal chapter XVI, title 21, of the Revised Statutes of the State of Texas."

On motion of Senator Tillett, the regular order of business was suspended, to take up

House bill No. 603, entitled "An act

to amend articles 5068, 5076, 5098 and 5130 of the Revised Civil Statutes of the State of Texas."

Bill passed to third reading.

On motion of Senator Tillett, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—18.

Atlee.	Kerr.
Bailey.	Linn, Wharton.
Beall.	Morriss.
Bowser.	Rogers.
Darwin.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Greer.	Tillett.
Harrison.	Wayland.

Nays—4.

Burns.	Woods.
Linn, Victoria.	Yantis.
Absent.	
Colquitt.	Presler.
Dibrell.	Ross.
Lewis.	Turney.
Neal.	Yett.

Excused.

Boren.

Bill read third time and passed.

Senator Greer called up

House joint resolution No. 34, to amend section 51, of article 3, of the Constitution of the State of Texas, so as to authorize the granting of aid to disabled and dependent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors."

And moved its adoption.

Adopted.

Senator Bowser called up his motion to reconsider the vote by which the Senate concurred in House amendments to

Senate bill No. 138, a bill to be entitled "An act to amend section 2439, chapter 1, title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal all laws in conflict with this act, in so far as they may affect the same,"

And moved to table same.

The motion to table was lost by the following vote:

Yeas—5.

Bowser.	Stone.
Gough.	Tillett.
Morriss.	

Nays—20.

Atlee.	Kerr.
Bailey.	Linn, Victoria.
Beall.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Dibrell.	Wayland.
Goss.	Woods.
Greer.	Yantis.
Harrison.	Yett.

Absent.

Lewis.	Presler.
Linn, Wharton.	Turney.
Neal.	

Excused.

Boren.

The motion to reconsider prevailed by the following vote:

Yeas—15.

Atlee.	Harrison.
Bailey.	Kerr.
Beall.	Lewis.
Burns.	Linn, Victoria.
Colquitt.	Stafford.
Dibrell.	Stone.
Goss.	Woods.
Greer.	

Nays—6.

Bowser.	Morriss.
Darwin.	Terrell.
Gough.	Tillett.

Absent.

Linn, Wharton.	Turney.
Neal.	Wayland.
Presler.	Yantis.
Rogers.	Yett.
Ross.	

Excused.

Boren.

The Senate then refused to concur in the House amendments by the following vote:

Yeas—8.

Bailey.	Morriss.
Bowser.	Stone.
Darwin.	Terrell.
Harrison.	Tillett.

Nays—18.

Atlee.	Lewis.
Beall.	Linn, Victoria.
Burns.	Linn, Wharton.
Colquitt.	Rogers.
Dibrell.	Ross.
Goss.	Stafford.
Gough.	Woods.
Greer.	Yantis.
Kerr.	Yett.

Absent.

Neal.	Turney.
Presler.	Wayland.

Excused.

Boren.

On motion of Senator Bowser, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 191, a bill to be entitled "An act to provide for the creation of level premium mutual life and accident insurance companies in this State, and for the regulation thereof."

Senator Linn of Wharton moved that further action on the bill be indefinitely postponed.

Postponed by the following vote:

Yeas—13.

Atlee.	Ross.
Burns.	Stone.
Harrison.	Tillett.
Lewis.	Woods.
Linn, Wharton.	Yantis.
Morriss.	Yett.
Rogers.	

Nays—10.

Bailey.	Gough.
Bowser.	Kerr.
Colquitt.	Presler.
Darwin.	Stafford.
Goss.	Wayland.

Present, not voting.

Greer.	Terrell.
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Absent.

Beall.	Neal.
Dibrell.	Turney.
Linn, Victoria.	

Excused.

Boren.

At this point Senator Gough was recognized by the Chair, and yielded the floor to Mr. Walter Crawford, who presented to the President of the Senate, on the part of the officers and employes of the Senate, an elegant panama hat.

On motion of Senator Gough, the remarks of Mr. Crawford were incorporated in the Journal. They were as follows:

Mr. President: This box contains a hat. Within the hat there is a band which bears a name—the name of Lieutenant Governor Jester, President of the Senate of the Twenty-fifth Legislature of Texas. Mr. President, this band will in course of time become faded and frilled, the superscription will become effaced; but, Mr. President, I assure you, sir, that that name is so indelibly and immutably intertwined and interwoven in the heart-strings of the officers and employes of this Senate that age can not dim nor time destroy it. Sir, we have discovered in your nature those elements

whose very presence carries sunshine with them wherever they may go — a sunshine which means pity for the poor, sympathy for the suffering, and benignity toward all. Even amid legislative chaos and political pandemonium you have stood the embodiment of uniform courtesy and kindness. Your genial influence has been an inspiration for us in the discharge of our duties. To serve you has been a pleasure and a privilege.

Mr. President, on the part of the officers and employes of this Senate, as a token of the esteem and honor in which you are held by them, I present you with this hat.

Senator Yantis, in a few happy and appropriate remarks, nominated Senator Gough as President pro tempore of the Senate for the ensuing two years.

The nomination was seconded by Senators Linn of Wharton, and Bowser, and Senator Gough was unanimously elected.

The Chair announced the appointment of the following committee:

Committee under Senator Colquitt's resolution to report what employes shall be retained after adjournment: Senators Colquitt, Linn of Victoria and Rogers.

Senator Tillett moved that the report of the committee be final unless made in sufficient time for the Senate to act thereon.

Carried.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 21, 1896.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bill:

Senate bill No. 296, a bill to be entitled "An act to amend chapter 14 of title 86 of the Revised Civil Statutes of 1895, by adding after article 3993b a new article, to be numbered 3993c, providing for the organization of school districts in community counties, and validating such districts heretofore organized."

Also, that the House has passed House concurrent resolution No. 35, that the Twenty-fifth Legislature stand adjourned sine die at 3 o'clock p. m., May 21, 1897.

Respectfully,

LEE J. ROUNTREE,
Chief Clerk.

Senator Terrell called up House concurrent resolution No. 35 (providing for sine die adjournment at 3 p. m. to-day), and moved its adoption.

Adopted.

Senator Presler moved to reconsider the vote by which the above resolution was adopted, and to lay that motion on the table.

Tabled.

Senator Presler called up Senate bill No. 258 (the text-book bill).

Senator Linn of Victoria moved that the absentees on the bill be excused.

Excused by the following vote:

Yeas—26.

Atlee.	Linn, Victoria.
Bailey.	Linn, Wharton.
Bowser.	Morriss.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Nays—1.

Ross.

Absent.

Beall.

Turney.

Neal.

Excused.

Boren.

Then Senate then concurred in the House amendments to Senate bill No. 258, by the following vote:

Yeas—17.

Bailey.	Presler.
Bowser.	Rogers.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Linn, Wharton.	Yett.
Morriss.	

Nays—10.

Atlee.	Lewis.
Beall.	Linn, Victoria.
Burns.	Ross.
Dibrell.	Stafford.
Greer.	Tillett.

Absent.

Neal.

Excused.

Boren.

Yea.

Paired.

Nay.

Colquitt.

Turney.

Senator Presler moved to reconsider the vote by which the Senate concurred in the House amendments, and to lay that motion on the table.

Tabled.

The Chair gave notice of signing, and did sign after their captions had been read.

Senate bill No. 154, entitled "An act to require cities to provide for a board of plumbers, to be known as the examining and supervising board of plumbers, to regulate the duties of said board, and to provide penalties for violation hereof."

And,

Senate bill No. 258, entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency."

Senator Colquitt moved that the President appoint a committee of three Senators to wait upon the Governor and advise him that the Senate was about to adjourn sine die, and to receive any communications he might desire to make to the Senate.

Carried, and the Chair accordingly appointed the following committee:

Committee appointed to wait on the Governor to inform him of adjournment: Senators Atlee, Tillett and Ross.

By consent, Senator Terrell offered the following:

Resolved, that the thanks of the Senate be extended to the officers and employes of the Senate for the efficient manner in which they have discharged their duties.

Adopted.

By Senator Tillett:

Resolved, that Will Lambert be and he is hereby allowed the sum of \$2.50 out of the contingent fund of this Legislature, being an amount paid out by him in sundry small stamp items expended on account of matters in connection with his official position as Secretary of the Senate.

Adopted.

On motion of Senator Colquitt, the thanks of the Senate were unanimously extended to the President of the Senate and to the President pro tem., Senator Dibrell, for the able and efficient manner in which they had pre-

sided over the deliberations of the Senate.

Senator Linn of Wharton moved that the Senate take a recess until 1:30 p. m.

Senator Colquitt moved that the Senate adjourn until 1:30 p. m.

Carried, and the Senate adjourned to 1:30 p. m.

ONE HUNDRED AND SECOND DAY

Senate Chamber,

Austin, Tex., Friday, May 21, 1897.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn, Victoria.
Bailey.	Linn, Wharton.
Beall.	Morriss.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett

Absent.

Neal. Turney.

Excused.

Boren.

Pending reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Linn of Wharton:

Resolved, that the thanks of the Senate be extended to the press correspondents, who have so faithfully and impartially reported the proceedings of this session of the Senate of the Twenty-fifth Legislature.

On motion of Senator Terrell, the above resolution was unanimously adopted.

By Senator Ross:

Resolved, that the thanks of the Senate be and the same are hereby extended to the Hon. George T. Jester for the able and impartial manner in

presiding over the deliberations of this Senate.

(Senator Gough in the chair.)

On motion of Senator Burns, the above resolution was unanimously adopted.

By Senator Gough:

Be it resolved, that S. B. Hill, the photographer, be permitted to hang in the Senate Chamber the photographic group of Senators and officers of the Twenty-fifth Legislature.

Adopted.

Call concluded.

HOUSE MESSAGES.

The following House messages were received:

Hall House of Representatives,
Austin, Texas, May 21, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 95, a bill to be entitled "An act to amend article 976 of chapter 8, title 27, of the Revised Civil Statutes of the State of Texas, relating to payment of costs and returning mandates in the Supreme Court."

Senate bill No. 231, a bill to be entitled "An act to amend chapter 2, title XXXII, of the Revised Civil Statutes of the State of Texas, by adding thereto an additional article, to be entitled article 1547d."

Senate bill No. 320, a bill to be entitled "An act to amend title XXIII, of chapter 4, of the Revised Civil Statutes of the State of Texas, relating to county lines, by adding thereto article 808a."

Also, that the House has receded from its amendments to Senate bill No. 138, relating to fees for the filing of charters with the Secretary of State, and has agreed to the bill as it passed the Senate by a two-thirds vote: yeas 84, nays 3.

Also, that the House has appointed the following committee on the part of the House to act with a like committee on the part of the Senate to notify the Governor that the House is ready to adjourn and to receive any communication that he may desire to submit: Messrs. Rogan, chairman; Meade and Bounds.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.